IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.28051 of 2008
HARI SHANKAR PRASAD
Versus
STATE OF BIHAR

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2 18/08/2008 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner is named accused of a case which has been registered under section 409 of the Indian Penal Code.

The Executive Engineer in his written report alleged that the petitioner was posted at Gaya during 1997-98 as Executive Engineer and during his tenure three service records of Sunischit Rojgar Yogna were misplaced by the petitioner. The purpose was to usurp the money worth of Rs. 5.7 lacs.

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Submission is that the petitioner has retired long back and he is aged about 70 years. The petitioner has already deposited detailed MB bank before office on 29.12.1999 regarding concerned defalcation of Rs. 2.7 lacs. The ledger was kept by the accountant and it was produced only at the time of signature. Senior Officer, Patna ordered several times to vacate the offence. The petitioner has not given employment to any worker on daily wage basis. The petitioner has not taken salary from the 1993.

Considering the facts and circumstances of the case, the petitioner Hari Shankar Prasad is directed to be released on bail on furnishing of bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the C.J.M., Gaya in connection with Kotwali P.S. Case No. 42 of 2002.

avin. **(Shyam Kishore Sharma, J.)**